

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LARRY WILLIAMS,

Plaintiff,

vs.

SCRIBD, INC., a corporation; et al.,

Defendants.

CASE NO. 09cv1836-LAB (WMc)

ORDER TO SHOW CAUSE

Williams initiated this action on August 25, 2009. Scribd moved to dismiss on November 30, 2009, and the motion is calendared for oral argument on February 22, 2010. On February 5, 2010, Williams filed an amended complaint.

Rule 15 of the Federal Rules of Civil Procedures addresses amended pleadings. A party can amend its pleading once as a matter of course within "(A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(A)-(B).

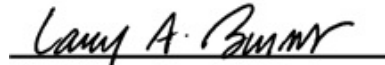
Williams's amended complaint comes 5 months and 11 days after his initial complaint was filed, and 2 months and 6 days after Scribd filed its motion to dismiss. The amended complaint is therefore late. Rule 15 does allow, alternatively, for the opposing party to *consent* to amendment, as well as for the Court to grant leave to amend "when justice so

1 requires." Fed. R. Civ. P. 15(a)(2). Unfortunately, Williams does not appear to have obtained
2 the consent of Scribd to amend his complaint, and the Court has certainly not granted
3 Williams leave to amend.

4 Williams is therefore ordered to obtain the consent of Scribd to amend his complaint,
5 or else persuade the Court that leave to amend should be granted. He must do so within
6 two days of the date this order is entered. The Court is not inclined to push back the
7 February 22 hearing date in the event Williams cannot obtain the consent of Scribd or the
8 Court to file the amended complaint.

9 **IT IS SO ORDERED.**

10 DATED: February 5, 2010

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12 **HONORABLE LARRY ALAN BURNS**
13 United States District Judge
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